

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RAMEENA KHAN,

Plaintiff,

v.

RITE AID CORPORATION, et al.,

Defendants.

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Honorable Madeline Cox Arleo
Civil Action No. 10-5104 (SDW)

REPORT AND RECOMMENDATION

THIS MATTER having come before the Court upon the motion of plaintiff, Rameena Khan (“plaintiff”) to voluntarily dismiss the Fair Labor Standard Act (“FLSA”) claim, pursuant to Fed. R. Civ. P. 41(a)(2), and to remand the remaining state law claims to state court (Dkt. Entry No. 6); and upon the application of Defendants Rite Aid Corporation and Rite Aid of New Jersey, Inc. (“defendants”) for an award of fees and costs incurred in removing the instant action, pursuant to 28 U.S.C. § 1447(c) and/or Fed. R. Civ. P. 41(a)(2) (Dkt. Entry No. 8); and upon defendants’ application to remove this action from compulsory arbitration (Dkt. Entry No. 11); and the Court having considered the papers submitted in support of and in opposition to the motions and applications and having heard the argument of the parties, and for the reasons set forth on the record on December 2, 2010, and for good cause shown;

IT IS on this 2nd day of December 2010,

RECOMMENDED THAT plaintiff’s motion to voluntarily dismiss the FLSA claim is **GRANTED**, and the FLSA claim be dismissed with prejudice (Dkt. Entry No. 6); and it is further

RECOMMENDED THAT plaintiff’s motion to remand the remaining state law claims to

the Superior Court of New Jersey, Law Division, Hudson County (Dkt. Entry No. 6), be **GRANTED**; and it is further

RECOMMENDED THAT defendants' application for an award of attorney's fees pursuant to 28 U.S.C. § 1447(c) and/or Fed. R. Civ. P. 41(a)(2) (Dkt. Entry No. 8) be **DENIED**; and it is further

RECOMMENDED THAT defendants' application to remove this action from compulsory arbitration (Dkt. Entry No. 11) be **DISMISSED AS MOOT**.

The parties have fourteen (14) days from the date hereof to file objections.

s/Madeline Cox Arleo

MADELINE COX ARLEO

United States Magistrate Judge

cc: Hon. Susan D. Wigenton, U.S.D.J.
Clerk of the Court
All Parties
File